



# City of Chicopee, Massachusetts

## License Commission

Donald Goulette, Chairman  
Robert Borowiec  
James Grise  
Donald Derosia  
Daniel Taney

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Minutes for January 31, 2013

In attendance: Chairman Goulette, Commissioners Borowiec, Grise, Derosia and Taney. Atty. Rooke was also present

Minutes for December were presented to the Board. Commissioner Borowiec makes a motion to approve. Commissioner Taney seconds. Motion approved 5-0.

Application for a Change of D/b/a for Spiro's Pizza and Restaurant to Angelo's Family Restaurant & Pizza, 483 Grattan St. Commissioner Derosia makes a motion to approve. Commissioner Borowiec seconds. Motion approved 5-0.

Application for a Change of Manager for Colonial Café, 550-554 Chicopee St with Sandra Cieslak as proposed new manager. In attendance: Sandra Cieslak. Mrs. Cieslak informs the Board that she has been working at this establishment for over 30 year and is TIPs certified. Commissioner Borowiec makes a motion to approve. Commissioner Derosia seconds. Motion approved 5-0.

### Hearing for Atlas Pub

*Count 1- Chapter 138 §69- Sale or delivery to intoxicated persons*

*Count 2- Chicopee Rules and Regulations-1.08 Environs of Licensed Premises a. It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times.*

In attendance: Bill Herchuck, Brittany Bourdeau and Danielle Labay. Officer Riel was not available. Commissioners reviewed the police report. Ms. Bourdeau and Ms. Labay informed the Board of what transpired that night. Commissioner Borowiec made a motion that the violation was unfounded. Commissioner Derosia seconds. Motion approved 5-0.

### Hearing for Mulligan's Pub

*Count 1- M.G.L. Chapter 138, §23 -sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under §22A*

*Count 2-M.G.L. Chapter 138 § Section 34. -Sale, delivery or furnishing alcoholic beverages to persons under twenty-one years of age.*

*Count 3- M.G.L. Chapter 140 § Section 183A. - The licensing authorities shall grant a license under this section unless they find that the license, taken alone or in combination with other licensed activities on the premises, would adversely affect the public health, safety or order, in that the concert, dance, exhibition, cabaret, or public show cannot be conducted in a manner so as to: (a) protect employees, patrons, and members of the public inside or outside the premises from disruptive conduct, from criminal activity, or from health, safety or fire hazards;*

*Count 4- Regulations of the ABCC 204 CMR 204-2.05: Licensed Premises -2.05: Licensed Premises (1) Slot machines or any other devices which furnish anything besides merchandise of a quantity and quality commensurate with the price deposited therein are prohibited on licensed premises. Gambling of any sort, except those games of chance authorized by the Legislature and/or local licensing authorities, shall not be permitted on any license premises.*

*Count 5 Regulations of the ABCC 204 CMR 204-2.05: Licensed Premises (2) No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to the place in or on the licensed premises. The licensee shall be responsible therefore, whether present or not.*

*Count 6-Regulations of the ABCC 204 CMR 204-2.05: Licensed Premises (8) All premises covered by a license or storage permit shall be kept in a clean and sanitary condition at all times.*

*Count 7-Regulations of the ABCC 204 CMR 204-4.03 (h) encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.(2) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under 204 CMR 4.03*

*Count 8- Chicopee Rules and Regulations-1.08 Environs of Licensed Premises a. It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times.*

*Count 9- Chicopee Rules and Regulations 1.05 Physical Premises- (b).All premises covered by the license shall be kept in a clean and sanitary condition.*

*Count 10- Chicopee Rules and Regulations 1.05 Physical Premises-1.07Alcoholic Beverages Sales and Laws 1.Encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes;*

*Count 11-Chicopee Rules and Regulations-1.10 Standards of Conduct on the Premises d.No manager or employee shall consume any alcoholic beverages while on the licensed premises while on duty or after the official closing hour.*

In attendance: Atty. Daniel Kelly, Joe Sullivan, Detective Michael Dion and Officer Anouson Souvannasane. At the time of this hearing Attorney Kelly stipulated to the above violations. Commissioners also listened to police reports from the officers present. Commissioner Borowiec makes a motion that based on the facts, there was sufficient evidence of violations and therefore, indefinitely suspends the Restaurant All Alcohol license until such a time as a transfer has been approved by the License Commission and the Alcohol Beverage Control Commission. Commissioner Taney seconds. Motion was passed by a 5-0 vote. This suspension is effective immediately

Hearing for Folta Properties, 62 Perkins/111 School St

*Count 1-Failure to submit 2013 Lodging House License Application.*

Mr. Folta did not appear for this hearing. Commissioner Derosia makes a motion to suspend the Lodging House license. Commissioner Taney seconds. Motion approved 5-0.

Review restriction for Falls Polish Home, 27 Grove Street. In attendance: Marian Zielinski, Elaine Dowd and Eugene Kiericjak. Mr. Zielinski asks the Board to reconsider the restrictions of 2 police detail officers at Sweet 15 or 16 parties. After speaking with Det. Dion the Commission notes that there have not been any incidents at this establishment. They feel this might be due to the fact the there has been a police presence there. Also to be noted that the police department will not allow one officer for a detail job where there is alcohol present. Commissioner Borowiec questions the fact that at a previous meeting the Commission was told that they would no longer be having this type of party. He would like to review the minutes from that meeting. Also that all alcohol should be cleared from bar area and secured in a locked cabinet when the other hall is in use. The Commission has tabled this matter to the next hearing in order to review minutes from a previous meeting.

Application for a Special Event for a 18+ College Night to be held at Maximum Capacity, 116 School St on February 7, 14, 21 and 28 ,2013 with Donald Robert, Jr as applicant. Commissioner Borowiec makes a motion to approve. Commissioner Derosia seconds. Motion approved 5-0.

Application for a Special Event for an EDM Glow party to be held at Maximum Capacity, 116 School St on March 1, 2013 with Donald Robert, Jr as applicant. Commissioner Borowiec makes a motion to approve. Commissioner Derosia seconds. Motion approved 5-0.

Application for a Common Victualer for Wong Garden, 738 Chicopee St (new owner) Commissioner Borowiec makes a motion to approve. Commissioner Derosia seconds. Motion approved 5-0.

Application for an Automatic Amusement (1 Quarter Pusher) for The Corner Store, 444 Front St. Commissioner Borowiec makes a motion to approve. Commissioner Taney seconds. Motion approved 4-1. Commissioner Derosia disapproves

## **2013 Renewals**

### **Common Victualer**

McDonald's, 1460 Memorial Dr

Popeye's, 753 Memorial Dr

Dunkin' Donuts, 820 Memorial Dr

Twins Variety, 112 Ducharme Ave (2012 taxes owed)

Evelyn's Bakery, 8 Center St

Dunkin' Donuts, 953 Front St

Dunkin' Donuts, 27 Montgomery St

Dunkin' Donuts, 480 Burnett Rd

Dunkin' Donuts, 750 Meadow St

Dunkin' Donuts, 95 West St

Roger's Place, 1016 Chicopee St (late fee owed)

Wendy's, 786 Memorial Dr

Honeyland Farms, 206 Newbury St

Subway, 591 Memorial Dr

Subway, 645 Memorial Dr

Commissioner Derosia makes a motion to approve all except for Twins Variety and Rogers until all fees/taxes are paid. Commissioner Borowiec seconds. Motion approved 5-0.

### **Innholders**

Quality Inn, 463 Memorial Dr

Commissioner Borowiec makes a motion to approve. Commissioner Derosia seconds. Motion approved 5-0.

### **Lodging House**

VOC, 288 Front St

VOC, 198 Chicopee St

Commissioner Borowiec makes a motion to approve. Commissioner Derosia seconds. Motion approved 5-0.

Review of Planning Board requirements for a new License application: add site plan with a 1:20 scale along with interior plans of location. Commissioner Grise makes a motion to approve. Commissioner Derosia seconds. Motion approved 5-0.

Filing Fees are read by Commissioner Grise